COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Wednesday, August 1, 2012	Type of Request:	Old Business

Wording for the Agenda:

Further discussion of amending the County's Land Use Plan on SR 138 between SR 279 and SR 314 near the Clayton and Fayette County line.

Background/History/Details:

During the June 6, 2012 Board of Commissioners Workshop meeting, Mr. Todd Brooks spoke to the Board about his desire that the Board of Commissioners consider amending the County's Land Use Plan on SR 138 between SR 279, and SR 314 near the Clayton and Fayette County line. Mr. Brooks has a potential buyer for the property who wishes to construct a television studio on a portion of the land; however, the County's Land Use Plan does not recommend the zoning for such a use. Mr. Brooks hopes that consideration can be given to changing the Land Use Plan so that a rezoning application can be filed in the near future. The Board directed staff and the Planning Commission to review the Land Use Plan and to return with recommendations. The Board also suggested that a special zoning district could be created for the television and movie studio.

Staff met with the Planning Commission about the suggested new zoning district. The Planning Commission felt that a new zoning district was not warranted, and that the Land Use for the corridor should be Commercial since a television - movie studio is allowed for in both commercial zoning districts.

What action are you seeking from the Board of Commissioners?

No action is required. The Board's direction is being sought on whether or not staff and the Planning Commission should proceed with amendments to the Future Land Use Plan for State Route 138 as a Commercial area.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	Yes	If so, when?	Wednesday, June 6, 2012
Is Audio-Visual Equipment Required for this Request?*	Yes	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing		County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

To: Board of Commissioners

From: Pete Frisina

Date: July 20, 2012

Subject: Future Land Use Plan Map for SR 138

This subject was discussed at the June 6, 20102 BOC Workshop concerning the development of a TV/movie studio. The BOC directed staff and the Planning Commission to review the Land Use Plan and bring recommendations back to the BOC. It was suggested that a new zoning district be created for the TV/movie studio. Staff met with the Planning Commission on July 19, 2012 about a new zoning district and the Planning Commission felt that a new zoning district was not warranted and that the Land Use for the corridor should be Commercial as a TV/movie studio is allowed both commercial zoning districts (see attached Planning Commission minutes and pictures of studios recently built in the metro area).

The area borders Clayton County. Clayton County's Land Use Plan on the north side of SR 138 designates the area as a Mixed Use Area which allows for a mix of office, commercial and residential uses. In addition, both intersections with SR 314 and SR 279 are established commercial areas. It was noted that a TV/movie studio was also allowed in the light industrial zoning district, but the Planning Commission and staff did not feel that the area be recommended for Industrial on the Land Use Plan.

The minutes of the June 6, 2012 BOC workshop discuss concern with impacting the private school to the west on SR 279. The school building is located on the front portion of the school property closer to SR 279 and all access to the school property is on SR 279. The athletic fields are located to the rear of the school property which is adjacent to the proposed TV/movie studio property. The commercial zoning districts would require a 50 foot buffer along the school property as it is residentially zoned.

Staff and the Planning Commission are seeking direction from the BOC on whether they can continue with amendments to the Future land Use Plan for SR 138 as a Commercial area (see attached maps).

5. Todd Brooks wishes to discuss the possibility that the Board of Commissioners would consider amending the County's Land Use Plan near Highways 138, 279 and 314 near the Clayton and Fayette County line:

Todd Brooks presented this item to the Board for discussion. A copy of the request and backup, identified as "Attachment No. 9", follow these minutes and are made an official part hereof. Mr. Brooks stated that his family has owned 85 acres near the County line for a century. He said three months ago his family had been approached by Alvin Williams regarding purchase of this land. He pointed out that there were approximately 12 acres that touch Highway 138 and he was informed that he would have to begin discussions on changing the Land Use Plan. He said there was already a strip of land from the Catholic School all the way over to Highway 314 with a Land Use Plan of only office. He said he was asking for the Board's consideration to change the Land Use Plan to bring this back 740 feet all the way to the commercial on Highway 314 and then consider commercial if the Board chooses to do so. He introduced Mr. Williams to the Board and said he would explain his proposed use for this property.

Alvin Williams said the goal for the 12 acres of land would be to build a film/television studio. He said he and his wife had been in the entertainment industry for the last eight years with his wife being in the industry for over 20 years. He said they would like to build a 50,000 square foot family television studio enclosure with no back lot. He said all of the activity would be self-contained within the building. He said there was a road that divides the property and he and his wife would live on the other side of the road. He pointed out that he and his wife had lived in Fayetteville for the last 7 years and married 7 years as well. He said he was also involved in a new company that is in partnership with Google/YouTube and they will be launching two of the company's original 100 channels. He said some of the production where she is providing the production facilities and services for what will be needed. He said he would not be able to say the name of his company since they would not be doing a press release until July. He said this was the purpose for the land use and he asked for the Board's consideration.

Chairman Frady asked Mr. Brooks if he had spoken with County staff regarding this request and Mr. Brooks replied yes. He said he had been speaking with Pete Frisina since 2004 and then the 2008 crisis hit and they decided to wait.

Zoning Director Dennis Dutton remarked that Todd and Pete have been in discussions about this issue. He said basically staff was trying to get direction from the Board on whether to prepare amendments to the Land Use Plan and bring this back to the Board on a future Thursday evening meeting for consideration and vote.

Commissioner Brown pointed out that this property was adjacent to a school and staff would have to be sensitive of that issue. He said he did not have a problem with building a design studio but expressed concerned with a commercial zoning format being located next to a school. He was concerned if these plans fell through and the property sold to someone else, there might be some type of undesirable commercial that would be located next to the school.

Commercial Horgan expressed concern with all of the surrounding residential property. He questioned if this facility would be tapping into Clayton County sewer system on Highway 138 or what was being proposed. Mr. Brooks replied that he thought it would be a large community septic system. He pointed out that surrounding landowners have advertised their property for sale and indicated that it could be used as commercial.

Commissioner Brown interjected that there would have to be a significant buffering requirement next to the school. He said he would like to see a special zoning designation so the County would not be trapped into a commercial zoning situation.

Mr. Dutton remarked that staff would have to begin the process of amending the Land Use Plan and a revision to the Zoning Ordinance.

Commissioner Brown said as long as the property was buffered and protect the school he would have no problem in doing a specific designation for this to lock it in.

Mr. Dutton asked for the Board's direction in order for staff to move forward and get the Planning Commission to review the Land Use Plan. He said if the Board wants staff to look at this from another zoning designation, then staff would proceed with that as well.

There was a consensus of the Board for staff to proceed forward through the required process and bring this back to the Board at a later date.

4. **Discussion of proposed amendments to the Fayette County Comprehensive Plan Land Use Element and the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding: SR 138 between SR 279 and SR 314.**

Pete Frisina stated that the BOC had instructed staff and the Planning Commission to look at the SR 138 corridor in terms of the Land Use Plan. This started with an individual who approached the BOC proposing a TV/movie studio. There was some discussion by the BOC of a new zoning district. He added that the PC had suggested looking at adding movie studios to O-I but staff determined that the large movie studio buildings did not fit into the character of O-I. The PC concurred.

Pete Frisina explained that the subject property was previously planned for a subdivision, which was never built. Pete Frisina said the purchaser is looking to develop a portion of the property on SR 138 for his studio facilities. Pete Frisina mentioned that the property on the south along SR 314 is where he had planned to reside.

Doug Powell asked about access to the property. Pete Frisina replied that the driveway comes off SR 138, but there was also a driveway onto SR 314.

Tim Thoms asked if he would keep the house. Pete Frisina responded that he would. Tim Thoms then questioned whether the lots would have to be combined to conform to zoning. Pete Frisina replied not really, because the property was over 60 acres and that there was enough property to develop. Jim Graw asked if he was going to buy the remaining property. Pete Frisina responded that he would.

Jim then asked if there where any plans for the back portion of the property. Pete Frisina responded that he may cut out lots for other family members. Tim Thoms stated he would have to build a road into the back portion of the property. Jim Graw questioned whether it will be a subdivision. Pete Frisina replied it could be a subdivision. Pete Frisina stated that it was already zoned for one acre lots, in which Tim Thoms agreed that it could be a subdivision.

Pete Frisina mentioned that there are two lakes on the property. Doug Powell asked if there is access on the lot from the front of SR 138 to the back of the property across the lakes. Pete Frisina answered yes.

Doug Powell asked if that the red colored area on the Land Use Plan was designated commercial in Fayette County. Pete Frisina answered that the red area was land used for commercial. Tim Thoms pointed out that there is a gas station on the corner of SR 138 and 314. Pete Frisina answered that there are two service stations, one on each corner in Fayette County. Tim Thoms followed up that it was land used and zoned for commercial.

Doug Powell stated that the designated area borders on Clayton County and the further you travel into Clayton County the more it becomes commercial. Doug Powell continued the discussion that if the BOC wants to buffer the area being studied, then the General Business Zone would be the preferred designation for the property.

Jim Graw made a statement that it could be designated for commercial land use. Pete Frisina then followed up that the land was already split with two land uses, office and residential, and the study area was probably over 60 acres. Doug Powell replied that parts of the parcels were commercial, and part was residential. Pete Frisina identified that there were three parcels affected that made up almost 60 acres and that each were about 20 acres.

Tim Thoms made an observation that the property abuts the school's ball fields, both the football stadium and the baseball field. Tim Thoms continued by pointing out that the school property was closer to SR 279 and next to the corner with commercial that is in Fulton County, and it already had a buffer. Pete Frisina explained that the school property is zoned residential and that a non-residential zoning had to have a buffer when it abuts residential. Pete Frisina stated that commercial would have a 50 foot buffer next the church/school property because it is zoned residential.

Tim Thoms asked if the PC wanted to designate it as commercial, and that the Overlay Zone meant that it would look like a house. Tim Thoms questioned the realistic expectations of the requirements for making the proposed studio look like a house. Bill Beckwith stated that it should be designated commercial. Tim Thoms questioned how the proposed development could get out of the General State Route Overlay Zone requirements. Tim Thoms then expressed to the PC that the SR 138 be taken out of the General State Route Overlay Zone.

Doug Powell asked how much area is being studied for this land use change. Pete Frisina then delineated to the PC, the 60 acres along SR 138 that could be changed. Doug Powell replied that he has no problem with the General Business District. Bill Beckwith expressed that the commercial area already there be extended to the property being studied for the land use change. Bill Beckwith questioned whether the building would have a house like appearance. Pete Frisina replied that the PC and staff would have to look at the Overlay Zone. Doug Powell emphasized that if commercial were to go in then more uses could go onto the properties compared to the proposed General Business Zoning District. Bill Beckwith replied that property to the right was already commercial. Doug Powell then asked if it all commercial. Pete Frisina responded that it was land used commercial and that only the corners along the SR 314 side were zoned.

Tim Thoms stated that staff had drafted the proposed General Business District. Pete Frisina explained that if the PC wanted to recommend commercial, staff could present it to the BOC for their input. The PC concurred to go with the commercial land use. Doug Powell stated that there is only 60 acres in question, and most of it for the movie studio. Doug then said that two gas stations already exist on the corners. Pete Frisina then explained that the proposed structure would not be easily designed to look like a house. Bill Beckwith agreed with Pete's statement.

Al Gilbert stated that if we recommend commercial to the BOC and if they determine it is not commercial, then the PC will go back and look at again.

Jim Graw stated that the BOC may not like it, but we send our recommendations down to the BOC and the BOC can send it back to the PC. Bill Beckwith replied that it has happened before.

Jim Graw responded that he feels we need to do what we feel is right for that area.

Doug Powell explained that once you've started putting C-H up there, in the form of McDonalds and commercial establishments like convenience stores on the edge of the County, they are far away from law enforcement with a longer response time. Doug Powell questioned whether the PC needed to open itself up in terms of utilizing County assets to deal with something way up there. Bill Beckwith responded that there was already a McDonalds up there, along SR 279. Al Gilbert stated that there was also an Auto Zone.

Tim Thoms pointed out that a good point was made about a crime at the gas station up on that corner. Doug Powell stated that he was wasn't opposed to the General Business land use area. Doug Powell emphasized that it would be lower intensity, it is going to be less of a magnet for people to come in and create problem situations with our law enforcement. Doug Powell remarked that on the other end I don't know how much need we have to generate business up there, if that is something we are trying to do in the County. Doug Powell stated that if I were Commissioner, I could look at this and say that we need to generate some more tax revenue, and SR 138 is the place to do it. Doug Powell continued that he did not have the facts and figures to make that decision.

Doug Powell asked if it looked like a commercial area, in which he answered yes, but then explained that it also looked like a General Business land use area that is a good fit for Fayette County because we did things a little bit different than everybody else. Bill Beckwith stated that it is right across from Clayton County and that it is commercial on both sides of the highway and no one would really know whether it is Fayette or Clayton County. Bill Beckwith continued his point that the property is right next to a commercial area where it is already land used. Doug Powell replied that if you got all three lots build like that, then it would not make a difference.

Jim Graw asked what the area was land used right now. Pete Frisina answered O-I on the front of the lots and residential in the back. Tim Thoms stated that if the lots were land used commercial and zoned commercial it becomes a lot easier to become a commercial establishment instead of changing the land use and rezoning the property later. Doug Powell replied that he understood that.

Jim Graw commented that he was not worried about expanding the Zoning Ordinance, or making the book a little bit thicker. Jim Graw continued his statement with if that is one of the reasons for not putting in the General Business District; then I don't think it is a very valid reason. Jim Graw then stated that he felt that we need to look at this to see what is best for this area and if it means we have to a General Business District, then add it. Jim Graw continued his point with if the PC felt it was not right, it can be made commercial. Jim Graw stated that he we was tossing it around in his mind about what is right for that particular area in relation to the properties around it and across the street. Jim Graw reiterated that he could go either General Business or C-H. Doug Powell stated that he could go either way.

Al Gilbert stated that he felt we are skirting out zoning issues because we come up with zonings now that don't quite fit, we don't know what to do with so let's do an overlay zone. Al Gilbert continued that he did not know if that was right and that PC needs to face up that this is what it is

do we want it or not. Al Gilbert stated that if we want it let's call it what it is, if it walks like a duck, and talks like a duck guess what it is. Jim Graw replied that it is not necessarily walk like a duck, talk like a duck and there is nothing that says we have to take the zoning district that we have and make something fit.

Bill Beckwith stated that we have somebody that wants to put up what looks to be a commercial building. Bill Beckwith continued that it would not fit BTP or something like that, and let's just go with commercial. Doug Powell asked Bill what made it commercial and was it because it was big. Doug Powell then added that it was not retail and that you were not going to have a lot of people coming in and out. Bill Beckwith commented that people would come in at times, but not constantly. Bill Beckwith continued his response by stating to look at the building and that it was not O-I in nature.

Jim Graw pointed out that the building looked M-1, it's a warehouse. The PC concurred with the statement and emphasized that it looked like a manufacturing facility. Jim Graw continued his statement that if the facility ceased to exist, then you could probably put a warehouse in there and other M-1 uses, that is what the use should be M-1, but that doesn't fit in that area. Doug Powell replied that it does fit because there is M-1 area on SR 85 North that the picture of the building would go right in that M-1 area. Jim Graw responded that he would feel much better with an M-1 use than a commercial use, because of his fear of what would happen in the future if it were commercial.

Tim Thoms questioned what could you put on M-1 next to the school. Doug Powell replied that the problem is you could put in construction equipment. Al Gilbert then asked staff if a landfill is allowed in M-1 or M-2. Pete Frisina responded that it was allowed in M-2. Tim Thoms then replied that building would be ideal for concrete pumper trucks as M-1, as well as tractor trailers and bulldozers.

Jim Graw reiterated that if the business goes out, it would have to be a warehouse. Doug Powell replied that it may be torn down. Al Gilbert stated that something that big would be hard to tear down.

Pete Frisina explained that he spoke with the Building Department and these buildings are pre-engineered. Al Gilbert replied that it was a large metal building. Pete continued that you buy all the pieces and bolt it together and put it on a foundation, and then you put a covering on it.

Doug Powell asked Pete what were his thoughts on M-1 industrial. Pete Frisina answered that he was not sure about M-1 industrial. Pete Frisina replied that the General Business was M-1 like. Pete Frisina continued that the General Business is a combination of the BTP and the M-1 zoning districts taking out the unwanted uses. Peter Frisina followed up that there was no retail or commercial included.

Tim Thoms stated that he wanted to address Al's point and that he could go either way on this. Tim Thoms pointed out that he saw that things were changing; and things that were coming in more specific. Tim Thoms continued that he did not know if the zoning ordinance needed to get thicker but we didn't consider movie studios before.

Pete Frisina stated that Paulding County Development Authority built a movie studio, and the height may be over 35 feet, it could be 45 feet. Pete Frisina said he had asked for the building specs on the building and is still waiting on the information. Tim Thoms asked what zoning category Paulding County put the studio in. Pete Frisina answered it was in a defunct industrial park.

Al Gilbert stated that style building would be ideal to go into Kenwood Business Park. Pete Frisina stated that the Kenwood Business Park is cut up into one acre lots and couldn't accommodate the movie studio. Pete Frisina continued that the subject property is around 20 acres with lakes on the back of the property. Al Gilbert stated that there was about 12 to 15 buildable acres.

Doug Powell then referred to Tim Thoms' point on whether the Zoning Ordinance was thick or not, in the beginning when the county developed the first ordinance the preponderance of the County was A-R and the book was very, very thin. Doug continued that somewhere along the line the "blanket zoning" that went on in the 70's and 80's, and it probably didn't create a lot of pages. Doug Powell questioned what we want SR 138 to look like and that he understood Al Gilbert's argument of if it looks like a duck, and it walks like a duck, it probably is a duck.

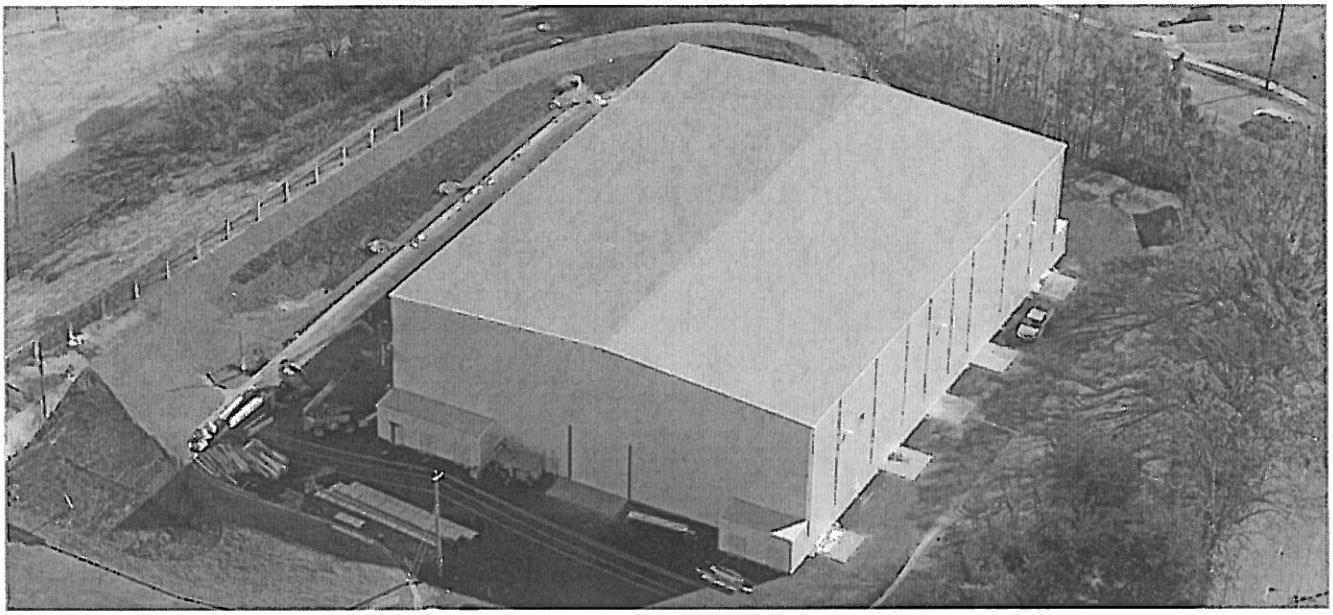
Bill Beckwith explained that we can only do one side of SR 138. Doug Powell replied that we don't control the other side of SR 138 and that we don't have a clue of what it will look like. Doug Powell then reiterated that he can go either way on this area and it is whatever the BOC wants to do.

Bill Beckwith presented that the PC go one way and that it be sent to the BOC and see what they think. Bill Beckwith continued we are at a point where PC could go either way. Al Gilbert stated that we needed to give the BOC something more definite, and that he had never seen the PC give them two ideas. Al Gilbert continued that PC needs to go with majority rules. Doug Powell asked what the PC recommended either General Business or commercial. The PC concurred with commercial land use.

Jim Graw expressed his concern about commercial coming back and biting the County in the future. Bill Beckwith replied that PC works with commercial right now. Doug Powell responded that a movie studio in O-I could have, because if someone decided to develop this on Redwine Road it would definitely come back and bite us. Jim Graw agreed with not going back to putting a movie studio in O-I.

Tim Thoms stated that the PC is going to recommend commercial land use for SR 138. Pete Frisina replied that we may have to tweak the overlay zone and that we not going to be able to make the movie studio look like a house.

Tim Thoms reiterated that the PC is recommending commercial land use to the BOC and will wait for their reaction and direction.



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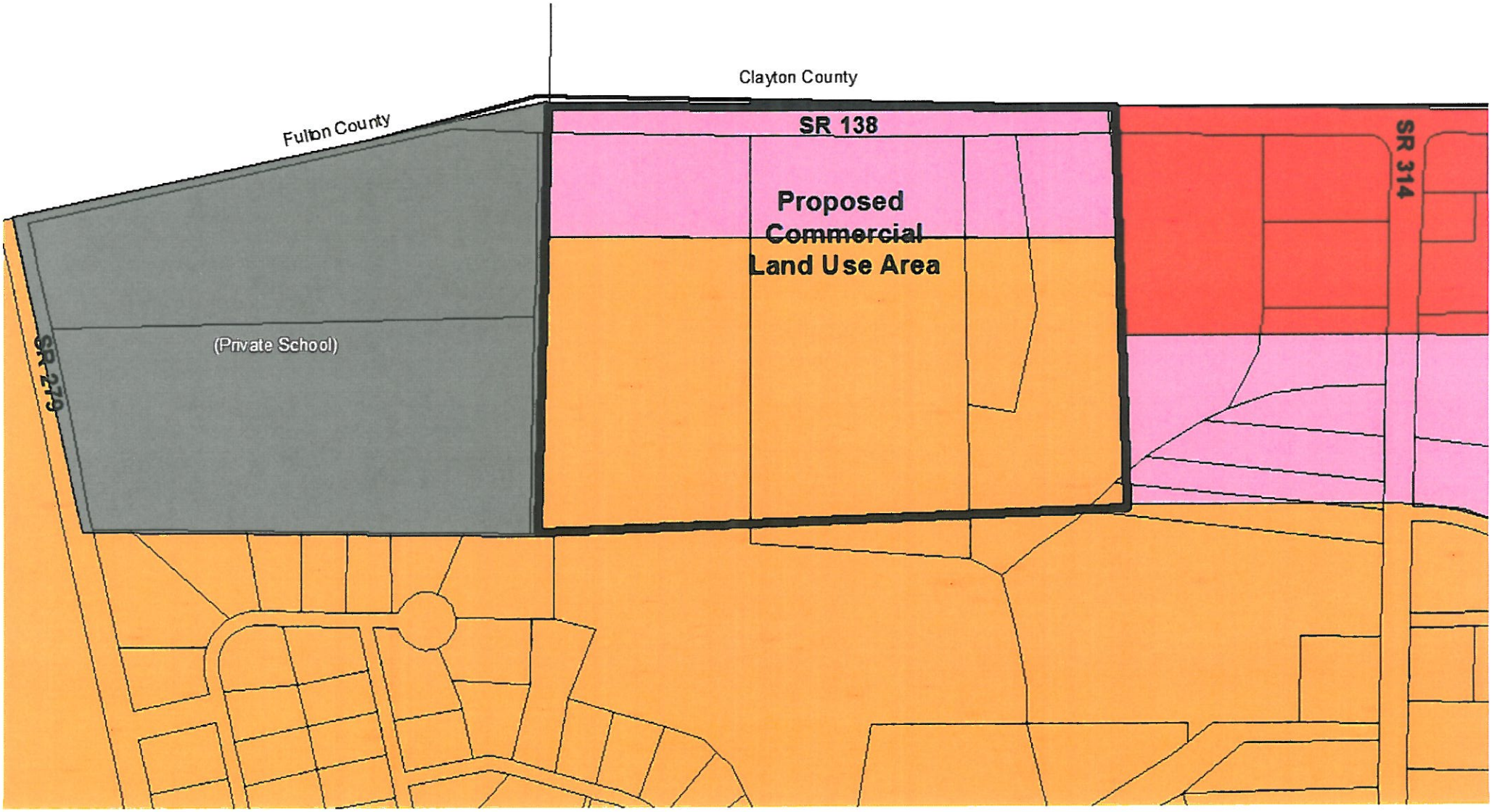
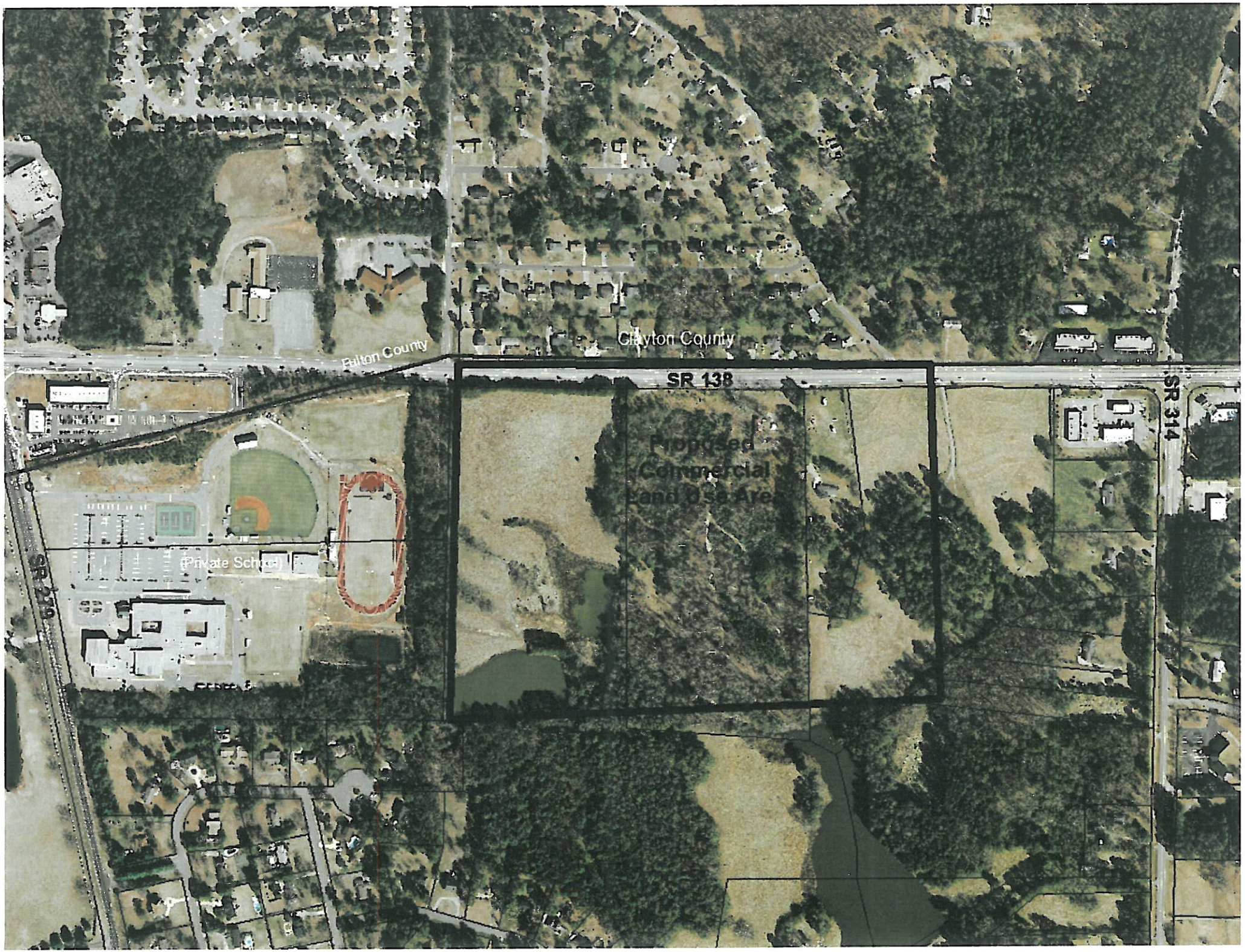

Clayton County
Fulton County
SR 138
Proposed
Commercial
Land Use Area
SR 314
(Private School)
SR 279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